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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,681	04/04/2006	Sacha Felder	3621	1764

7590  
Striker, Striker & Stenby  
103 East Neck Road  
Huntington, NY 11743

EXAMINER
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DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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10/02/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/574,681	FELDER, SACHA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Clark F. Dexter	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/4/06</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement filed on April 4, 2006 has been received and the references listed thereon have been considered.

### ***Drawings***

3. The drawings are objected to because of the following informality:

In Figure 5, numeral 36 should be added for clarity.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

4. Claims 1-4 and 7-13 are objected to because of the following informalities:

In claim 1, line 2, the recitation "by means of" is not sufficiently clear as to whether it is intended to invoke 35 USC 112, 6<sup>th</sup> paragraph, and it is suggested to delete "means of".

In claim 10, line 3, "an on-off switch" is not sufficiently clear as to how it relates to that set forth in line 2, and it seems that "an" should be changed to --a second-- or the like.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112, 1<sup>st</sup> paragraph***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which

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was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification and drawings do not provide support for a safety mechanism that includes the various features set forth in claims 1-3 such as an elongated housing with blade chambers, etc. Rather, support is provided for these features being part of a utility knife.

***Claim Rejections - 35 USC § 112, 2<sup>nd</sup> paragraph***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 1, the recitation “particularly a barrel jigsaw” renders the claim vague as to whether the claim is directed to a jigsaw.

In claim 2, line 2, “the fastening device” lacks antecedent basis.

Claim 5 is vague and indefinite as to what is being set forth, particularly as to whether it is to be considered to depend from claim 4 or whether it is only referring to the on-off switch of claim 4; further, in line 3, the recitation “in particular” renders the claim vague as to what is being set forth.

In claim 7, line 3, “the fastening device” lacks antecedent basis.

In claim 10, line 2 "the on-off switch" lacks antecedent basis.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3, 7-9, 11 and 13, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Knouse et al., pn 2,263,136.

Knouse discloses a device with every structural limitation of the claimed invention as best understood from the claims including:

having a barrel grip (e.g., A), characterized by means of a detachable top handle (e.g., 10) and an attaching device (e.g., the fasteners shown in Fig. 1) for attaching the top handle;

[claim 2] wherein the fastening device is provided for tool-free attachment and/or detachment of the top handle;

[claim 3] wherein an on-off switch (e.g., 30, 32) is at least partially integrated into the top handle;

[claim 7] wherein the fastening device is at least partially integrally joined to a functional component of the on-off switch;

[claim 8] wherein a holding mechanism of the fastening device is integrally joined to an actuator rod guide (e.g., one of the fasteners is integrally joined to various guide structures of Knouse);

[claim 9 (from 8)] wherein the holding mechanism is comprised of a locking pin (e.g., another one of the fasteners).

[claim 11] wherein the top handle is provided to constitute a support surface for the back of a hand.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 4-6, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knouse et al., pn 2,263,136.

Knouse discloses a device with every structural limitation of the claimed invention as best understood from the claims but lacks:

- (a) a locking mechanism as set forth in claims 4-6;
- (b) an on-off switch at least partially integrated into the barrel grip as set forth in claim 10; and
- (c) the soft elastic component as set forth in claim 12

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Regarding (a), the Examiner takes Official notice that such locking mechanisms are old and well known in the art and provide various well known benefits including facilitating constant operation of the tool without having to maintain contact/pressure on the switch. Many examples are commonly found on hand tools including saws and drills. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a locking mechanism on the device of Knouse for the well known benefits including those described above.

Regarding (b), the Examiner takes Official notice that it is old and well known in the art to provide such switches in various locations on or around the handle for various well known benefits including comfort and/or accessibility from a variety of tool orientations. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a switch location on the device of Knouse for the well known benefits including those described above.

Regarding (c), the Examiner takes Official notice that it is old and well known in the art to provide such soft elastic components on handles for various well known benefits including comfort. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a soft elastic component on the device of Knouse for the well known benefits including those described above.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-



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4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/  
Primary Examiner, Art Unit 3724**

cfd  
October 1, 2008